

UNITED STATES GOVERNMENT

# Memorandum

TO : File

DATE: June 22, 1966

FROM : W. R. Peterson, Geological Engineer  
Grants Section, Field Branch, PED

SUBJECT: SE 1/4 SECTION 13-13N-11W, MCKINLEY COUNTY, NEW MEXICO

PGR:WRP

A visit was made on 5-27-66 to the office of Asst. Attorney Babington on the 12th floor of the U.S. Federal Court House in Albuquerque to determine the status of the above land and also to bring our file up to date which ended on September 14, 1964 when the U.S. Attorney's motion for partial judgment was scheduled.

The Civil Case No. 5345 which was filed 5-14-63 ended in a judgment on September 28, 1965 and \$30,000 was paid by Bibb for trespass (large part was held in escrow previously) and this payment also cleared Homestake-Sagin of any liability.

The judgment provided for the following:

1. Declared Haystack Nos. 1-20 mining claims were null and void.
2. Title to the land was quieted to the U.S.
3. Upheld the withdrawal order of December 29, 1952 by the AEC in Federal Register 19, FR805.

Mr. Babington who was the Government lawyer on the case was very cooperative and stated that a letter had been sent to our council in Grand Junction (Holger Albrethsen Jr.) stating the outcome of the civil case and that the money had been paid for trespass.

I mentioned that Cibola Mining Company was interested in the property as they had found an orebody on the adjoining Section 18 which they believed extended also under Section 13. He stated it was now up to the Bureau of Land Management and the AEC as to what they wanted to do with the land.

Distribution:

Grand Junction Dossier ✓

Grants Dossier

*Buy U.S. Savings Bonds Regularly on the Payroll Savings Plan*

VERIFICATION OF PRODUCTION RECORD  
APPLICATION FOR CERTIFICATION

Application No. 2011Name of Mining Property: Haystack #1-#20Name of Applicant: Arthur Bibb

1. There (~~is~~) (is not) a record of production for the period April 9, 1948 through February 28, 1951.

| Shipper | Name of Mine | District | County | State | Purch.<br>Depot | Date | Ore Dry<br>Tons | U <sub>3</sub> O <sub>8</sub><br>Pounds |
|---------|--------------|----------|--------|-------|-----------------|------|-----------------|---|
|         |              |          |        |       |                 |      |                 |   |
|         |              |          |        |       |                 |      |                 |   |
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|         |              |          |        |       |                 |      |                 |   |
|         |              |          |        |       |                 |      |                 |   |

Shipments to Shattuck Chemical Co., Denver, Colorado

| Name of Shipper | Date | Pounds U <sub>3</sub> O <sub>8</sub> |
|-----------------|------|--------------------------------------|
|                 |      |                                      |

Total Pounds U<sub>3</sub>O<sub>8</sub> \_\_\_\_\_

2. There (has)(~~has not~~) been production from this property for the period March 1, 1951 through the month of January, 1960.

Production checked by Catherine MartinDate forwarded to Production Evaluation Division 4/8/60



VERIFICATION OF PRODUCTION RECORD  
APPLICATION FOR CERTIFICATION

Application No. 2011Name of Mining Property: Haystack #1-#20Name of Applicant: Arthur Bibb

1. There ~~(is)~~ (is not) a record of production for the period April 9, 1948 through February 28, 1951.

| Shipper | Name of Mine | District | County | State | Purch. Depot | Date | Ore Dry Tons | U <sub>3</sub> O <sub>8</sub> Pounds |
|---------|--------------|----------|--------|-------|--------------|------|--------------|--------------------------------------|
|         |              |          |        |       |              |      |              |                                      |
|         |              |          |        |       |              |      |              |                                      |
|         |              |          |        |       |              |      |              |                                      |
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|         |              |          |        |       |              |      |              |                                      |
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|         |              |          |        |       |              |      |              |                                      |
|         |              |          |        |       |              |      |              |                                      |

Shipments to Shattuck Chemical Co., Denver, Colorado

| Name of Shipper | Date | Pounds U <sub>3</sub> O <sub>8</sub> |
|-----------------|------|--------------------------------------|
|                 |      |                                      |

Total Pounds U<sub>3</sub>O<sub>8</sub> \_\_\_\_\_

2. There (has) ~~(has not)~~ been production from this property for the period March 1, 1951 through the month of January, 1960

Production checked by

Catherine Martin

Date forwarded to Production Evaluation Division

4/8/60

May 19, 1961

PLD:RHT

Mr. Arthur Bibb

(b) (6)

Dear Mr. Bibb:

Enclosed is our invoice in the amount of \$44,055.29 which is due the Commission for certain uranium ores identified therein which were mined by you from the SE $\frac{1}{4}$  of Section 13, T. 13 N., R. 11 W., N.M.P.M., McKinley County, New Mexico. This amount is additional to the \$19,265.13 due the Commission for which invoice was sent with our letter of March 17, 1960 and for which payment has not been made.

You are requested to make payment to the Commission for the full amount of both invoices within thirty (30) days after your receipt of this letter.

Very truly yours,

Allan E. Jones  
Manager

Enclosure:

Invoice No. 61-12

cc: Finance Division w/attachment  
R.H. Toole, PLD w/ attachment

CERTIFIED MAIL - RETURN RECEIPT REQUESTED

# INVOICE FOR SERVICES AND MATERIALS

UNITED STATES ATOMIC ENERGY COMMISSION

Grand Junction Operations Office

(Office)

Grand Junction, Colorado

To: Arthur Ribo

Date:

(b) (6)

F. O. B.:

Terms:

Net 30 Days

ACCESS PERMIT NO.

LICENSE NO.

PURCHASE ORDER

| QUANTITY |         | DESCRIPTION OF SERVICES AND MATERIALS  | UNIT PRICE | AMOUNT      |
|----------|---------|--|------------|-------------|
| ORDERED  | SHIPPED |  |            |             |
|          |         | For ore mined in trespass from Sec. 13, T13N, R11W, N.M.P.M. from the invalid mining claim known as Haystack No. 2 and delivered to Homestake-New Mexico Partners, Box 266, Grants, New Mexico |            |             |
|          |         | <u>Liquidation No.</u> <u>Dry Tons Ore</u>   |            |             |
|          |         | 312-1 224.9940   |            | \$2021.50   |
|          |         | 376 390.2905   |            | 6615.06     |
|          |         | 386-1 204.0215   |            | 3450.48     |
|          |         | 396 319.3515   |            | 6487.39     |
|          |         | 403 199.0410   |            | 4926.49     |
|          |         | 410 194.7720   |            | 3452.07     |
|          |         | 419 275.6230   |            | 4821.31     |
|          |         | 430 362.6050   |            | 6928.86     |
|          |         | 439 173.7360   |            | 3245.58     |
|          |         | 447 219.2950   |            | 4460.31     |
|          |         | Gross Value of Ore   |            | \$46409.05  |
|          |         | Credits:   |            |             |
|          |         | <u>Liquidation No.</u> <u>Haulage Allowance</u>  |            |             |
|          |         | 312-1 \$ 205.80  |            |             |
|          |         | 376 358.61   |            |             |
|          |         | 386-1 186.11   |            |             |
|          |         | 396 290.78   |            |             |
|          |         | 403 181.85   |            |             |
|          |         | 410 178.44   |            |             |
|          |         | 419 254.22   |            |             |
|          |         | 430 334.91   |            |             |
|          |         | 439 160.44   |            |             |
|          |         | 447 201.60   |            |             |
|          |         | Less Total Credits \$2353.76   |            | 2353.76     |
|          |         | AMOUNT DUE   |            | \$44,055.29 |

MAKE CHECK PAYABLE TO U. S. ATOMIC ENERGY COMMISSION AND MAIL TO ABOVE ADDRESS

10-73018-1 GPO

MA:AEJ

April 28, 1960

Honorable Thomas G. Morris  
House of Representatives  
Washington 25, D. C.

Dear Mr. Morris:

This letter is in response to your letter of April 22, 1960, with which you enclosed a copy of H. R. 11883 a private bill you have introduced in the Congress on behalf of Mr. Arthur Bibb. You request that we withhold further action concerning our claim against Mr. Bibb pending House consideration of the legislation.

The Haystack No. 2, and certain other unpatented mining claims, were declared null and void by the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico, on November 21, 1956, in Contest #30 (New Mexico). This decision of the Land Office Manager was affirmed by the Director, Bureau of Land Management, and was approved by the Assistant Secretary of the Interior on November 17, 1958. Copies of these decisions are attached. Mr. Bibb has not taken the matter on to the Federal courts. Thus, this determination by the Interior Department must be considered as final and effective. These mining claims are within an area withdrawn and reserved for our use by P.L.O. 964 issued by the Assistant Secretary of the Interior on May 13, 1954.

Our claim, as set forth in my letter of March 17, 1960, to Mr. Bibb, enclosing our invoice in the amount of \$19,265.13, pertained to certain ores mined by Mr. Bibb and delivered to various ore buyers during the period November 1955 - December 1959, inclusive. Of the 1,171.827 dry tons of ore covered by our invoice, 853.180 tons were mined and removed by Mr. Bibb after the final decision of the Interior Department on November 17, 1958, declaring the Haystack No. 2 null and void as mentioned above; the remaining 318.647 tons were mined and removed prior to said final decision. We have considered the mining and removal of the 853.180 tons as a willful trespass and of the 318.647 tons as an innocent trespass. The amount of our claim was



April 28, 1960

computed accordingly. However, subsequent to December 1959 Mr. Bibb mined and shipped an additional 225 tons of ore from the Haystack No. 2 to the uranium mill operated by Homestake-New Mexico Partners which ore is not covered by our March 17, 1960, invoice. Although we intend doing so, we have not yet prepared an additional invoice to Mr. Bibb covering the value of this ore because we have not received the final weights and assays from the mill. Moreover, we are advised by our field office in Grants, New Mexico, that Mr. Bibb is continuing mining activities on this land. Consequently, the amount specified in H. R. 11883 will not cover the full amount of our claim against Mr. Bibb.

My letter of March 17, 1960, also directed Mr. Bibb to cease mining operations on this land and to vacate the premises forthwith in view of the Interior Department decisions referred to above. As it appears that Mr. Bibb is continuing to mine ore from this land, notwithstanding such decisions, our future course of action concerning such mining activity has been under consideration.

However, in view of your request, we would be willing to withhold further action concerning this matter pending House consideration of your bill if Mr. Bibb ceases and desists from further mining activity on this land, vacates the premises, and advises us that he has done so.

Sincerely yours,

Allan E. Jones  
Manager

Enclosures:

1. Decision, Land Office Mgr., Contest #30
2. Decision, Director, ELM, Contest #30, Approved by  
Asst. Secretary of the Interior

bcc: Jesse C. Johnson, DRM, w/cy. incoming (2)

—PED w/cy. incoming  
FD w/cy. incoming  
OC w/cy. incoming



**Congress of the United States**  
**House of Representatives**  
**Washington, D. C.**

Manager Allan E. Jones  
Atomic Energy Commission  
Grand Junction, Colorado

Dear Mr. Jones:

I am enclosing herewith a copy of HR 11-43, a private bill which I introduced on April 21, 1943, in behalf of Mr. Arthur Ribo.

Since this legislation pertains to your claim filed against Mr. Ribo relative to Hyster's mining claim, it will be appreciated if you will withhold further action pending House consideration of the legislation.

Sincerely yours,

THOMAS G. HARRIS

Enclosure  
TGH:cs  
AIR MAIL

86TH CONGRESS  
2D SESSION

# H. R. 11883

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 21, 1960

Mr. MORRIS of New Mexico introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

For the relief of Arthur Bibo.

1     *Be it enacted by the Senate and House of Representa-*  
2     *tives of the United States of America in Congress assembled,*  
3     That Arthur Bibo of Albuquerque, New Mexico, is relieved  
4     of all liability to pay all, or any part, of the sum of \$19,-  
5     265.13, claimed by the United States for ore mined from  
6     section 13, township 13 north, range 11 west, New Mexico  
7     principal meridian, from the mining claim known as "Hay-  
8     stack numbered 2. In the audit and settlement of the ac-  
9     counts of any certifying or disbursing officer of the United  
10    States, full credit shall be given for the amount for which  
11    liability is relieved by this Act.

III

PLD:RHT

April 20, 1960

Mr. Arthur Bibb

(b) (6)

Re: DENIAL OF APPLICATION FOR CERTIFICATION NO. 2011, HAYSTACK CLAIMS  
1 TO 20 INCLUSIVE

Dear Mr. Bibb:

We hereby acknowledge receipt of your application dated April 6, 1960 for certification of the Haystack Claims 1 through 20 under provisions of Domestic Uranium Program Circular 6. We have assigned Number 2011 to this application.

By letter dated March 17, 1960 Mr. Allan E. Jones, Manager of Grand Junction Operations Office, U. S. Atomic Energy Commission, gave you notice to cease mining operations and to vacate the premises covered in your application for Certification No. 2011. This action is based upon decisions of the United States Department of the Interior which we must consider as final and effective and for this reason we have determined that you do not have lawful possession of mining right in the property described in application for certification No. 2011. Therefore, your application is denied.

Domestic Uranium Program Circular 6 in 60.6(g)(iii) provides in pertinent part that:

The title or interest in the mining property should be one of ownership or lawful possession of mining rights.

Very truly yours,

R. H. Toole, Chief  
Leasing & Development Branch  
Production Evaluation Division

Enclosure:  
Circular 6

PED

cc: Grants Branch  
D. B. Hutto, FD

Toole:rc  
4/20/60

Ore Reserves, POR, PED  
RFCiesiel, PLD, PED



Apr. 20, 1960  
Ltr to Arthur Bibb  
from R. H. Zook

## U. S. ATOMIC ENERGY COMMISSION

## APPLICATION FOR CERTIFICATION OF MINING PROPERTY

In accordance with Atomic Energy Commission Domestic Uranium Program Circular 6  
(Assistance in filling out this form will be available at the U. S. Atomic  
Energy Commission's office in Grand Junction, Colo.)

Name of applicant ARTHUR BIBO Formerly P-285I  
AEC License No. P-3938  
Address (b) (6)

I hereby request that the following described mining property be certified as eligible for bonus payments under Domestic Uranium Circular 6.

1. Name of mining property Haystack Claims I to 20 inclusive
2. Name of owner Arthur Bibo  
(Indicate whether Corporation, Partnership, Individual)
3. Interest of applicant Owner  
(Owner or Lessee—if other, specify)
4. Description of mining property: (If more space is required use blank space below.)
  - a. Mining district Mt. Taylor or Haystack Mining District.
  - b. Size of property 320 Acres
  - c. Number and names of claims included in this property Twenty in the SE $\frac{1}{4}$  & S $\frac{1}{2}$ N $\frac{1}{2}$  of Sec. 13; Twp. 13 North; Rge. II West NMPM. McKinley County, New Mex.
  - d. Property is of public record as follows:

| DATE OF RECORD | COUNTY   | STATE      | BOOK NO.    | PAGE NO.  |
|----------------|----------|------------|-------------|-----------|
| Nov. 27, 1950  | McKinley | New Mexico | Bk. M-10    | 256-263   |
| Apr. 3, 1951   | "        | "          | Bk. MCR-3   | 137       |
| Apr. 20, 1951  | "        | "          | Bk. QCD-6   | 378       |
| Apr. 20, 1951  | "        | "          | Bk. QCD-6   | 377       |
| Dec. 5, 1951   | "        | "          | Bk. Lease-7 | 74 & 78   |
| May 11, 1951   | "        | "          | Bk. MCR-3   | 251       |
| Mar. 6, 1952   | "        | "          | Bk. M-11    | 251       |
| May 1, 1952    | "        | "          | Bk. MCR-4   | 24-34     |
| June 13, 1952  | "        | "          | Bk. M-10    | 437       |
| Aug. 3, 1954   | "        | "          | Bk. 9-Lease | 231 & 232 |
| Nov. 9, 1956   | "        | "          | Bk. QCD-7   | 571-572   |
| June 26, 1957  | "        | "          | Bk. MCR-38  | 563       |
| Sept. 17, 1958 | "        | "          | Bk. MCR-44  | 544 & 23  |
| Aug. 17, 1959  | "        | "          | Bk. MCR-45  | 471       |

- e. Title to property is patented or unpatented? (State which.) Unpatented
- f. Description of location of property for verification by mining branch of Colorado Raw Materials Office, Atomic Energy Commission.  
SE $\frac{1}{4}$ ; S $\frac{1}{2}$ N $\frac{1}{2}$ ; Sec. 13 in Twp. 13 North; Rge. II West NMPM.  
McKinley County, New Mexico.



## APPLICATION FOR CERTIFICATION OF MINING PROPERTY—Continued

5. Ore accepted by commission ore-buying stations or qualified uranium mills (or any other uranium ore processing plants) from property between April 9, 1948 and February 28, 1951 inclusive:

| ACCEPTED BY   | AT | NAME OF PROPERTY<br>IF OTHER THAN<br>PRESENT NAME | NAME OF OPERATOR<br>IF OTHER THAN<br>PRESENT OPERATOR | APPROXIMATE PERIOD |               | ORE-DRY<br>TONS | POUNDS<br>U <sub>3</sub> O <sub>8</sub><br>CONT. |
|---|----|---|---|--------------------|---------------|-----------------|--|
|   |    |   |   | FROM<br>MO. YR.    | TO<br>MO. YR. |                 |  |
| * Anaconda Mining Co.   |    | Bluewater, New Mex.                               |   | Nov. II, 1955      |               | 11.049          | 68.+   |
| * Lucius Pitkin, Inc.   |    | AEC Rec. Station, Grants, NM.                     |   | " 19826, 1956      |               | 40.206          | 128.+  |
| Homestake   |    | N.M. Part. Grants, N.M.                           |   | Aug. 1958          |               | 257.392         | 1347.66  |
| "   | "  | "   | "   | " 1959             |               | 238.791         | 1513.26  |
| "   | "  | "   | "   | Dec. 1959          |               | 554.389         | 2458.24  |
| * Pounds U <sub>3</sub> O <sub>8</sub> estimated as no liquidations as yet furnished to me. |    |   |   |                    |               |                 |  |
| All ore mentioned above mined from the SE corner of Claim No. 2                             |    |   |   |                    |               |                 |  |
| No ore produced during April 9, 1948 and Feb. 28, 1951                                      |    |   |   |                    |               |                 |  |
| Total number of pounds U <sub>3</sub> O <sub>8</sub>  |    |   |   |                    |               |                 | 5,515.16   |

I certify to the best of my knowledge that (1) the statements in this application are true and that (2) the total quantity of uranium oxide as contained in ore accepted by commission ore-buying stations or qualified uranium mills (or any other uranium ore processing plants) from the above described property between April 9, 1948 and February 28, 1951 inclusive, is less than 10,000 pounds.

April 6, 1960  
(Date)

Arthur Bibb  
(Signature of applicant)

Misrepresentations or false statements in the application may subject the applicant to criminal penalties, under provisions of the United States Code including section 1001 of title 18. Any such offense may also disqualify the offender from receiving bonus payments.

(When completed mail to U. S. Atomic Energy Commission, Colorado Raw Materials Office, P. O. Box 270, Grand Junction, Colo.)

16-67645-2 U. S. GOVERNMENT PRINTING OFFICE

## SPACE BELOW FOR USE BY APPLICANT, IF NECESSARY

This will advise you that I made application on or for these claims Nov. 20, 1956. Director of the AEC Mining Div., Grand Junction, Colo. Mr. David D. Baker, advised me in his letter of Dec. 6, 1956 (Ref. OAGC:JX) of my right to reapply pending final determination of the validity of these claims. That final determination has not yet been reached and as I am firmly convinced of the legality of these claims, I herewith reapply.

Arthur Bibb

Le'way.

Bibo 224.994 T 638.98 #

to Homestead - New Mexico

Partners Dig. No 312-1



RMS

UNITED STATES  
ATOMIC ENERGY COMMISSION  
GRAND JUNCTION OPERATIONS OFFICE  
GRAND JUNCTION, COLORADO

IN REPLY REFER TO:

March 17, 1960

Mr. Arthur Riho

(b) (6)

Dear Mr. Riho:

Enclosed is our invoice in the amount of \$19,265.13 which is due the Commission for certain uranium-bearing ores identified therein which were mined by you from the SE $\frac{1}{4}$  of section 13, T. 13 N., R. 11 W., NMPH, New Mexico.

This land, among others, was withdrawn and reserved for the use of the Commission by Public Land Order 964 of May 13, 1954 (19 F.R. 2899). You have designated the ores as having come from the Haystack No. 2 unpatented mining claim which was staked on this land. However, this claim, among others, was declared null and void, ab initio, by decision dated November 21, 1956, of the Manager, Land Office, Bureau of Land Management, Santa Fe, New Mexico, in Contest #30 (New Mexico). This decision of the Land Office Manager was affirmed by the Director, Bureau of Land Management, and was approved by the Assistant Secretary of the Interior on November 17, 1958.

We understand that you have not filed suit against the Secretary of the Interior in this case in the United States District Court for the District of Columbia. Consequently, we must consider the Interior Department decision as final and effective.

It is therefore requested that you make payment to the Commission for this amount within thirty (30) days after your receipt of this letter.

In view of the foregoing you are also directed to cease mining operations on this land and to vacate the premises forthwith.

Very truly yours,

Allan E. Jones  
Manager

Enclosure:  
Invoice (2)

CERTIFIED MAIL — # 975165  
RETURN RECEIPT REQUESTED

cc: PLD ✓  
FD  
Grants

Arthur Riho

(b) (6)



**VIA AIR MAIL**  
**CORREO AEREO**

**CERTIFIED**  
**No. 752506**  
**MAIL**  
**RETURN RECEIPT REQUESTED**

Mr. David D. Baker, Director  
Mining Division  
United States Atomic Energy Commission  
Grand Junction Operations Office  
Grand Junction, Colorado.

**PAR**   
017041



# INVOICE FOR SERVICES AND MATERIALS

UNITED STATES ATOMIC ENERGY COMMISSION

Grand Junction Operations Office

(Office)

Grand Junction, Colorado

To: Mr. Arthur Sibo

(b) (6)

Date: March 17, 1960

F. O. B.:

Terms: Net 30 Days

ACCESS PERMIT NO.

LICENSE NO.

PURCHASE ORDER

| QUANTITY |         | DESCRIPTION OF SERVICES AND MATERIALS   | UNIT PRICE    | AMOUNT             |
|----------|---------|---|---------------|--------------------|
| ORDERED  | SHIPPED |   |               |                    |
|          |         | For ore mined in trespass from Sec. 13, T13N, R11W, N34E from the invalid mining claim known as Haystack No. 2. |               |                    |
|          |         | Liquidation No. 40 Homestake-New Mexico Partners for 267.392 dry tons of ore.                                   |               | \$ 5,843.33        |
|          |         | Liquidation No. 217 Homestake-New Mexico Partners for 288.791 dry tons of ore.                                  |               | \$ 6,588.15        |
|          |         | Liquidation No. 278-1 Homestake-New Mexico Partners for 564.389 dry tons of ore.                                |               | <u>\$10,464.84</u> |
|          |         | Gross Value of Ore  |               | \$22,896.32        |
|          |         | Credits:  |               |                    |
|          |         | Mining cost allowances  |               |                    |
|          |         | 267.392 dry tons Liquidation No. 40 Homestake-New Mexico Partners   |               |                    |
|          |         | 40.206 dry tons Liquidation No. 2425 Lucius Pitkin, Inc.  |               |                    |
|          |         | <u>11.042</u> dry tons Liquidation No. 1072   |               |                    |
|          |         | 318.647 dry tons @8.00 per ton  | \$2,549.18    |                    |
|          |         | Haulage allowance Liquidation No. 1072  | 7.38          |                    |
|          |         | " " " " No. 2425  | 44.91         |                    |
|          |         | " " " " No. 40  | 244.12        |                    |
|          |         | " " " " No. 217   | 266.73        |                    |
|          |         | " " " " No. 278-1   | <u>518.87</u> |                    |
|          |         | Total haulage allowance   | \$1,082.01    |                    |
|          |         | Less Total Credits  | \$3,631.19    | \$ 3,631.19        |
|          |         | AMOUNT DUE  |               | <u>\$19,265.13</u> |

MAKE CHECK PAYABLE TO U. S. ATOMIC ENERGY COMMISSION AND MAIL TO ABOVE ADDRESS

16-73048-1 GPO



David D. Baker, Director  
Production Evaluation Division, GJ

December 21, 1959

R. H. Toole, Chief  
Leasing & Development Branch, PED, GJ

TRESPASS - ARTHUR BIBO

SYMBOL: PLD:RHT

Mr. Ingles Gay of the Grants Branch office PED informed me orally on December 10, 1959 that Mr. Bibo is continuing his mining operations in the SE $\frac{1}{4}$  of Sec. 13, T13N, R11W, N.M.P.M., McKinley County, New Mexico. Mr. Gay estimates that more than 500 tons of uranium ore were stockpiled. Shipment of this ore awaits build up to a lot of 1000 tons and it is reported that arrangement has already been made for acceptance of such a lot at one of the mills in which Homestake is a partner.

By our letter dated October 23, 1959, all of the ore buyers who might be offered the ore mined by Mr. Bibo were notified that the Commission has title to any ore mined from the S $\frac{1}{2}$ N $\frac{1}{2}$  and the SE $\frac{1}{4}$  of Sec. 13, T13N, R11W. Homestake-New Mexico Partners and Homestake-Sapin Partners were among those receiving such notification. Therefore, should those plants accept the ore mined in trespass by Mr. Bibo they will do so with knowledge of the Commission's position in this matter.

Prior to final decision by the Secretary of Interior as to validity of mining claims on these lands, Mr. Bibo produced and delivered 318.647 tons of ore; of this 267.392 tons were sold to Homestake-New Mexico Partners, and 51.255 tons were delivered to government buying stations. We understand that the money for payment of ore delivered to Homestake-New Mexico Partners is being held in escrow. No payment has been made Mr. Bibo on the ore received at the government stations. Our calculations show that Mr. Bibo owes \$2997.74 to the government as a result of these transactions, if we allow him cost of mining and a haulage allowance.

Because Mr. Bibo wishes to bring the matter of the validity of his claims into the local courts we have not as yet sent him a bill for the money due the government nor have we taken action to prevent

him from further mining. Delay of these matters has been in accord with oral advice of our Office of Counsel. However, in view of the mining activity now being conducted by Mr. Bibb, the Leasing & Development Branch must point out that action to prevent further trespass mining by Mr. Bibb must be taken to protect the governments right and property.

Therefore, we request permission to bill Mr. Bibb for the money due the government and we recommend that legal steps be taken to restrain Mr. Bibb from further trespass.

cc: Office of Counsel

A copy of this letter was also sent the following:  
The Anaconda Company, Box 638, Grants, N. Mex.  
Homestake-Na Mexico Partners, Box 98, Grants, N. Mex.  
Kermac-Nuclear Fuels Corp., Box 218, Grants, N. Mex.  
Homestake-Sapin Partners, Box 98, Grants, N. Mex.  
Kerr-McGee Oil Ind., Inc., Box 608, Shiprock, N. Mex.

PLD:RET

October 23, 1959

Phillips Petroleum Company  
P. O. Box 36  
Grants, New Mexico

Gentlemen:

This is to notify you of the status of the lands in the S $\frac{1}{2}$ N $\frac{1}{2}$  and SE $\frac{1}{4}$  of Section 13, T. 13 N., R. 11 W., NMPM, where Mr. Arthur Bibb has conducted mining operations on a group of twenty claims called Haystack No. 1 to No. 20, inclusive. We understand that Mr. Bibb has again resumed mining activity in this area.

The S $\frac{1}{2}$ N $\frac{1}{2}$  and SE $\frac{1}{4}$  of Section 13, T. 13 N., R. 11 W., NMPM, New Mexico is withdrawn for the use of the Atomic Energy Commission through Public Land Order 964. The Haystack No. 1 through 20 unpatented mining claims located thereon have been declared null and void by a decision of the Department of the Interior in Mineral Contest No. 30, etc. (New Mexico). This decision has been affirmed by the Director of the Bureau of Land Management and was approved by the Secretary of the Interior on November 17, 1958. We understand that Mr. Bibb did not appeal this decision to the Federal Court; consequently, it is final and effective.

In view of this decision of the Department of Interior, and in the absence of an effective appeal to the Federal Court, it must be concluded that mining rights were not established by the location of the Haystack claims and that any ores mined and removed by Mr. Bibb, or others, from that area are the property of the U. S. Atomic Energy Commission and should such ores be delivered to you, the title thereto would remain in the Atomic Energy Commission.

Very truly yours,

R. H. Toole, Chief  
Leasing & Development Branch  
Production Evaluation Division

cc: Mr. Arthur Bibb, (b) (6)  
Grants Branch, PED  
CERTIFIED MAIL - Return Receipt Requested

PED FED O. C.  
Toole:rc Baker  
10/23/59

PMS 7/2

July 23, 1959

GC:JHC

Mr. Langan Swent, Manager  
Homestake-Sagin Partners  
P. O. Box 98  
Grants, New Mexico

Dear Mr. Swent:

This is to confirm the notice given to Mr. Howell and Mr. Jones at the mill yesterday by Mr. G. C. Ritter, Chief, Ore Procurement Branch, Grand Junction Operations Office, Atomic Energy Commission, that the  $S\frac{1}{2}N\frac{1}{2}$  and  $SE\frac{1}{4}$  of Section 13, T. 13 N., R. 11 W., NMPM, New Mexico, is withdrawn for the use of the Atomic Energy Commission through PLO 964, and that the Haystack Nos. 1 through 20 unpatented mining claims located thereon have been declared null and void by the Interior Department. A copy of this decision of the Interior Department and a copy of the initial decision of the Bureau of Land Management is enclosed.

Notwithstanding these decisions, Mr. Arthur Bibb has recently advised us of his intention to resume mining operations on the Haystack No. 2 unpatented mining claim. In view of this decision of the Department of Interior, it must be concluded that Mr. Bibb lacks mining rights as to the lands embraced within the Haystack claims, that any ores mined and removed by him from such area are the property of the Atomic Energy Commission, and that should Mr. Bibb deliver any of these ores to you, the title thereto would remain in the Atomic Energy Commission.

Very truly yours,

R. H. Toole  
Chief, Leasing and Development Branch  
Production Evaluation Division

Enclosures: 2

cc: RHToole ✓  
E. W. Grutt, Chief, Grants Branch  
G.C.Ritter



Sec. Cert D-238

RHT  
21

## Office Memorandum • UNITED STATES GOVERNMENT

TO : David D. Baker, Director  
Production Evaluation Division

DATE: June 18, 1959

FROM : Paul B. Martin, Chief Counsel *PM*  
Grand Junction Operations Office

SUBJECT: TRESPASS - ARTHUR BIBO

Symbol: OC:JXC

This memorandum is written in response to the informal request of R. H. Toole, Chief of your Leasing & Development Branch, that he be advised as to the measure of damages to be used by him in calculating the amount due the Commission for the trespass committed by Mr. Arthur Bibo in mining uranium-bearing ores from lands withdrawn and reserved for the use of the Commission in the State of New Mexico.

A chronological sequence of events as to this problem is attached hereto as Appendix "A".

It is my opinion, for reasons hereinafter set forth, that Mr. Bibo's trespass falls within the category of an "innocent" trespass rather than a "willful" trespass, and that the measure of damages should be the value of the minerals in place determined as hereinafter outlined.

In my memorandum of March 20, 1952, to Frank H. MacPherson, Manager CRMO, (copy attached for convenient reference) I pointed out that the measure of damages to be applied in cases such as this is "the measure of damages prescribed by the laws of the state in which the trespass is committed"; I also recommended that as the Commission's mining leases generally provide for a 15% royalty, and as the cost per ton for the initial production is greater than the average cost per ton for the whole operation, that 15% of the amount received by the "innocent" trespasser for the sale of the ore would give a reasonable approximation of the value of the ore in place.

As to the determination as to whether or not the trespass is "innocent" or "willful" the Supreme Court of the United States has stated that an "innocent" trespasser is one who has acted 'in good faith' and that a "willful" trespasser is one who has acted in 'bad faith' and further that "the 'good faith' contemplated by these rules is something more than the trespasser's assertion of a colorable claim to the converted minerals" (United States v Wyoming 331 US 440, 91 L.ed. 1590). In the case of United States v Homestake Mining Company (C.C.A. 8th, 117 Fed.481) which involved the cutting of timber by Homestake on lands



belonging to the United States subsequent to their withdrawal from such taking, the United States Circuit Court stated that "The question, then is, did the trespasser violate the law, which he constructively knew, recklessly, or with an actual intent to do so, and to take an unconscientious advantage of his victim, or did he violate it inadvertently, unintentionally, or in the honest belief that he was exercising his own right? If the former, he was a willful trespasser, and the value of the manufactured timber or the extracted ore measures his liability. If the latter, he was an innocent trespasser, and the value of the wood in the tree or of the ore in the mine is the limit of his indebtedness. The test to determine whether one was a willful or an innocent trespasser is not his violation of the law in the light of the maxim that every man knows the law, but his honest belief, and his actual intention at the time he committed the trespass; and neither a justification of the acts nor any other complete defense to them is essential to the proof that he who committed them was not a willful trespasser." The Court further stated that "One who acts in good faith upon the erroneous advice of reputable counsel upon questions of legal right concerning which a layman could hardly have actual knowledge, is not chargeable with bad faith, or with a willful intent to commit a wrongful act because his counsel was mistaken in his view of the law." In Mason v United States (260 US 545, 67 L.ed. 396), in which case the United States brought suit against certain locators under the mining laws who had located their claims on withdrawn lands subsequent to their withdrawal, and which is cited in my above mentioned memorandum of March 20, 1952, the United States Supreme Court stated that "The defendants here, it is true, took possession of the lands in violation of the withdrawal order, but they did so in the honest though mistaken belief that the order was wholly without authority. Some of them had legal advice from competent counsel to that effect. It is common knowledge that the validity of the withdrawal order in question, as well as the later order of 1909, was in grave doubt until the decision of this court in United States v. Midwest Oil Co. supra. Not only was a substantial opinion to be found among members of the profession that the order was invalid, but the decision here was by a divided court. In view of these circumstances, we think it fair to conclude that the mining locations by defendants, and the occupation and use of the lands thereunder, were in moral good faith, within the meaning of the Louisiana Code and decisions."

The record of ore shipments as listed in Appendix "A" hereto shows that approximately eleven (11) tons were mined by Mr. Arthur Bibb prior to issuance by the BLM on February 16, 1956 of Notice of Contest New Mexico No. 30, forty (40) tons were delivered within a week after the decision of the Manager of the Santa Fe Land Office of the Bureau of Land Management, and an additional 267 tons were mined while the Manager's decision was on appeal to the Director of the BLM. There is no record of any

mining after the decision of November 17, 1958 of the Director, BLM. As to the question of the effect of notice of an adverse claim the courts have held that constructive knowledge of the owners title does not demonstrate defendant's bad faith as a matter of law (United States v Wyoming, supra) and that actual knowledge of an adverse claim of the true owner is not inconsistent with good faith on the part of the trespasser. (21 ALR2d 380, at page 396). There is no uniformity of judicial opinion as to the effect of an appeal upon the question of good faith or willfulness. Some courts, including the Supreme Court of the United States, hold that one who is admittedly in possession of land in good faith was not converted into a willful trespasser by an appeal from an adverse judgment and his continuing production pending such appeal (21 ALR2d 380, at 397); any doubt would appear to be dispelled by the rules of practice of the Department of Interior which provide in 43 CFR 221.101 that "Normally a decision will not be effective during the time in which a person adversely affected may file a notice of appeal, and the timely filing of a notice of appeal will suspend the effect of the decision appealed from pending the decision on appeal. However, when the public interest requires, the officer to whom an appeal may be or is taken may provide that a decision or any part of it shall be in full force and effect immediately." No such provisions were made by the Director of the Bureau of Land Management; consequently at the time of shipment of the 40 and 267 tons of ore these rules of practice suspended the effect of the decision of the land office manager; the 11 tons were mined prior to the notice of contest.

Mr. Bibb acted on advice of counsel as evidenced by the lengthy brief they filed with the BLM (a copy is in OC files), and based on several meetings here in Grand Junction with Mr. Bibb, both before and after initiation of the BLM contest, it seems clear that Mr. Bibb removed the ore from these lands in the honest belief that the 1939 withdrawal was void and beyond the authority of the Secretary of Interior and consequently that his mining claims were valid; the conclusion based on the foregoing facts and rules of law is that Mr. Bibb's trespass was "innocent" rather than "willful".

As to the question of measure of damages, there are two primary rules sometimes referred to as the "mild" rule and the "harsh" rule; the character of the trespass, i.e. whether "willful" or "innocent", determines which rule is to be applied. The "mild" rule is applied where the trespass is inadvertent or not willful or not in bad faith, and fixes the damages as the value of the minerals in place. Where such value can be ascertained, the question of allowance or disallowance of credit to the trespasser for his expenditures in producing the minerals is not reached. Where evidence of value in place cannot be

obtained, two methods are used to establish the equivalent of such value: (1) the royalty method, whereby the injured party is allowed the amount for which the privilege of mining and removing the minerals under the customary lease or conveyance of the mineral rights could be sold, and (2) the value of the minerals after extraction less the production costs. Some courts have stated the rule to be that an "innocent" trespasser who has acted in "good faith" is liable to the owner for the full value of the minerals removed, computed as of the time the trespasser converted them to his own use, by sale or otherwise, less the expenses of extraction. In a few cases involving the removal of solid minerals by a nonwilful trespasser, the courts have applied an "intermediate" rule, fixing the measure of damages as market value less production costs. Where the royalty method is employed, the question of the allowance or disallowance of production costs again is not reached. Thus, it is readily seen that the allowance of production costs as a credit against the trespasser's liability for the value of the extracted mineral is actually but a method of arriving at value in place, the primary measure of damages for a nonwilful trespass and removal of minerals. The practical effect of allowing value in place, on the basis of acreage value, or its equivalent determined by the royalty method, is to give the nonwilful trespasser not only credit for the expense of extracting the minerals but also the profits resulting from the conversion; while the owner or possessor of the land may be thus fully compensated, he is deprived of the profits, while the trespasser is thus allowed to profit from his wrongdoing. It was with the thought of not allowing the trespasser any profits that I stated in my previously mentioned memorandum of March 20, 1952, that as the cost per ton for the initial production is greater than the average cost per ton for the whole operation the royalty method could be used; however, it should not be used in any case in which reasonable production costs are available.

As stated above, in accordance with the decision of the Supreme Court of the United States, the rule to be followed is the one prescribed by State law. However, New Mexico has no statutory provisions concerning the measure of damages in trespass cases. The Supreme Court of the State of New Mexico in the case of Alvarado Min. and Mill. Co. v. Warnock (187 Pac. 542) follows the general rule with respect to a willful trespass and indicates (obiter dicta) that in the case of an innocent trespass it would follow the rule of the value of the ore in place. The BLM regulations provide that in a state in which there is no state law governing such trespass, the measure of damages is the value of the ore in place. Thus, it would appear that this rule of the BLM follows the indication of what the rule in New Mexico would be if ruled upon by its Supreme Court.

Accordingly in determining the amount of damages Mr. Toole should determine the value of the ore in place under any of the methods outlined above.

cc: Finance Division



## APPENDIX "A"

A chronological sequence of events as to this problem is as follows:

- March 3, 1893 - the lands in question (sec. 13, T. 13 N., R. 11 W., NMPM) patented to AT&SF RR.
- February 3, 1933 - this section was reconveyed to the U.S. by the Santa Fe Pacific railroad under act of March 3, 1921.
- September 1, 1939 - Departmental Order (which superceded a 1931 Order) withdrew this section, (among others) in aid of legislation to adjust Navajo Indian land matters in New Mexico.
- November 26, 1950 - Haystack Nos. 1-12 unpatented mining claims located in this section.
- May 8, 1951 - Haystack Nos. 1-20 unpatented mining claims in this section.
- January 8, 1953 - AEC Application for withdrawal of this section, and others, filed with BLM in Santa Fe segregating the lands under NM-010206.
- May 13, 1954 - PL0 964 issued by Interior Department formally reserving part of this section (S<sup>2</sup>N<sup>2</sup> and SE<sup>4</sup>) for AEC use.
- August 11, 1955 - GJ Manager requested BLM to determine validity of Haystack claims and others.
- August 17, 1955 - Mr. Bibb advised by letter from GJ Manager that BLM had been requested to determine validity of these claims.
- October 11, 1955 - BLM agreed to determine validity of these claims.
- November 18, 1955 - Mr. Bibb shipped 11.049 tons of ore (dry weight) to Grants under LPI liquidation No. 1072 from Haystack No. 2 (full payment in amount of \$299.63 held in escrow).
- February 16, 1956 - Notice of Contest involving Haystack claims and others issued by BLM to Mr. Bibb.
- February 1956 - Mr. Bibb's answer to contest argued that 1939 withdrawal was void.
- November 21, 1956 - BLM Santa Fe Land Office Manager issued decision in Contest Nos. NM-30, 31, 32, 33, & 37 that Haystack claims, among others, were void ab initio.



Appendix "A" (Continued)

- November 26, 1956 - Mr. Bibb shipped 40.206 tons of ore (dry weight) to Grants under LPI liquidation No. 2425 from Haystack No. 2. (full payment in amount of \$456.62 held in escrow).
- December 6, 1956 - Mr. Bibb advised by letter from Director, Mining Division, GJ that settlement for ores previously shipped must await final determination by Interior or the courts as to validity of Haystack claims.
- December 1956 - Mr. Bibb's attorneys file appeal and briefs to Director, BLM, within thirty days after Managers decision of November 21, 1956.
- May 2, 1957 - Mr. Bibb visits GJ and advises John X. Combo, AEC Attorney, and other AEC personnel, that his attorneys advise him that the 1939 withdrawal is void and that he intends to mine and ship ore from Haystack No. 2.
- August 1958 - Mr. Bibb shipped 267.392 tons of ore (dry weight) to Homestake from Haystack No. 2.
- August 14, 1958 - Mr. Bibb and attorney meet R. H. Toole, I. M. Gay, and Alex Speal of AEC near property and Mr. Bibb states his purpose in mining is to speed decision on his appeal in BLM.
- November 17, 1958 - BLM Director's decision affirms Santa Fe Land Office Manager's decision that these claims are null and void; as the Director's decision was approved the same day by Assistant Secretary of Interior it became a final Interior decision under 43 CFR 221.31.
- February 9, 1959 - GJ provided a copy of the November 17, 1958 decision and advised by BLM Director that damages after issuance of PLO 964 in 1954 would be for concern of AEC.
- February 19, 1959 - GJ Manager asks BLM in Santa Fe about damages in this case.
- May 28, 1959 - BLM Santa Fe advises GJ that AEC should undertake to collect damages for all ores shipped from Haystack No. 2.

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
Bureau of Land Management  
Land Office  
P.O. Box 1251  
Santa Fe, New Mexico

In Reply Refer to:  
Contest NM #30, et al

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

November 21, 1956

DECISION

|                     |   |                |
|---------------------|---|----------------|
| Paralee Hutton      | : | Contest NM #30 |
| J. T. Hutton        | : | 31             |
| Alfred Hutton       | : | 32             |
| Glenn D. Williams   | : | 33             |
| Volton Tietjen      | : | 37             |
| Theressa Tietjen    | : |                |
| Edith A. Williams   | : |                |
| F. A. Sitton        | : |                |
| Arthur Bibb         | : |                |
| Roy L. Cook         | : |                |
| Joe Vandever        | : |                |
| Bessie Vandever     | : |                |
| Fidel & Rouse, Inc. | : |                |
| Abram Dominguez     | : |                |
| John N. Fidel       | : |                |
| C. M. Rouse         | : |                |

Mining Claims Declared Null and Void Ab Initio

On February 16, 1956, Notice of Contest NM #30, involving Haystack 1 through 12, and Haystack 1 through 20 mining claims, issued to Paralee Hutton, J. T. Hutton, Alfred Hutton, Glenn D. Williams, Volton Tietjen, Theressa Tietjen, Edith A. Williams, F. A. Sitton, and Arthur Bibb; Notices of Contests NM #31 involving Snow Flake Mining Claims 1 and 2, NM #32 involving Hillside Mining Claims Nos. 1, 2, 3, and NM #33 involving North Star Mining Claims Nos. 1 through 12, issued to Roy L. Cook; and Notice of Contest NM #37, involving Cornpatch Mining Claims Nos. 1 through 6, issued to Joe Vandever, Bessie Vandever, Fidel & Rouse, Inc., Abram Dominguez, John N. Fidel, and C. M. Rouse. Each Notice stated the following charges:

"The aforementioned mining claims are null and void ab initio for the reason that the lands embraced therein were reconveyed to the United States under the Act of March 3, 1921 (41 Stat. 1225) and are temporarily withdrawn from all forms of entry under the mining, homestead, or Indian allotment and homestead laws by orders of the Secretary of the United States Department of the Interior, dated July 8, 1931 and September 1, 1939, pursuant to the authority found in Section 4 of the Act of March 3, 1927 (44 Stat. 1347)."

Each Notice indicated that it had been issued by authority of the State Supervisor's memorandum of December 13, 1955.

The contestees, individually and through Counsel, waived Hearing, and requested the Manager's decision, based on the facts in the record. Contestee Arthur Bibb submitted an affidavit stating that the Haystack 1 through 12 Claims, the Haystack 1 through 20 Claims, and Cornpatch 1 through 6 Mining Claims had been properly located prior to the AEC withdrawal and occupancy thereof had been wholly in accordance with the United States Mining Laws, including the performance of annual assessment work; that the Indian Service had asserted jurisdiction over the lands embraced in the mining claims by posting notices stating that the lands were withdrawn from all forms of entry under Circular 1284, dated August 3, 1932 and Department Order of September 1, 1939, in aid of legislation to adjust Navajo Indian land matters in New Mexico, and that the orders were still in effect so mining claims purportedly staked on the subject lands were illegal and void, and the claimants were warned to file disclaimers with the appropriate County Recorder or face action by United States Attorney; that such action by the Indian Service was such as can be done only on Indian Reservations; that the orders of withdrawal were and are invalid and the lands in question are public domain open for mining location.

The records of McKinley County, New Mexico, show that notices of location of the Haystack Claims, Nos. 1 through 12, dated November 26, 1950, were recorded November 27, 1950; that notices of location of the Haystack Mining Claims 1 through 20, dated May 8, 1951, were recorded May 11, 1951; that notices of location of Snow Flake Mining Claims 1 and 2, dated January 2, 1952, were recorded January 3, 1952; that notices of location of the Hillside mining claims Nos. 1, 2, and 3, dated January 23, 1952, were recorded January 24, 1952; that notices of location of the North Star Mining claims 1 through 12, dated February 20, 1952, were recorded April 21, 1952; and that notices of location of Cornpatch mining claims 1 through 6, dated March 28, 1951, were recorded March 30, 1951. Each of the claims is



6 The records of the Land Office, Bureau of Land Management, Santa Fe, New Mexico, show that Section 13, T. 13 N., R. 11 W., N.M.P.M., was patented to the Atlantic & Pacific Railroad on March 3, 1893, and was reconveyed to the United States by the Santa Fe Pacific Railroad on February 3, 1933. The reconveyance was under authority of the Act of March 3, 1921 (41 Stat. 1225, 1239). The regulations implementing this statute are contained in General Land Office Circular No. 850, issued September 19, 1922, by the Secretary of the Interior. The circular contains the following language: "Any land relinquished to the United States under these regulations, which tracts would ordinarily become subject to entry under the public land laws, shall be withheld from all forms of disposal until further specific action is taken to make the said lands subject to settlement, or entry, or to any form of disposal, and until otherwise directed, the local land officers will not allow any entry or application for such lands." These regulations were reiterated in Circular 1284, dated August 3, 1932, and now appear in Title 43, C.F.R., sec. 149.1.

Department of the Interior Order of July 8, 1931, had withdrawn all of T. 13 N., R. 11 W., N.M.P.M., from all forms of disposal in aid of legislation. Upon acceptance by the United States of the title from the Santa Fe Pacific Railroad in 1933, the terms of the 1931 withdrawal order immediately attached to the reconveyed land, including Section 13.

Department of the Interior Order of September 1, 1939, superseded the Departmental Order of July 8, 1931, and rewithdrew the reconveyed lands in T. 13 N., R. 11 W., N.M.P.M., in aid of legislation to adjust Navajo Indian land matters in New Mexico. This order of withdrawal is still in effect.

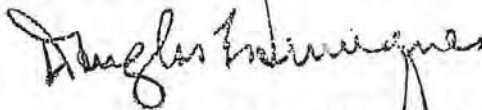
It thus appears that the land in Section 13, T. 13 N., R. 11 W., N.M.P.M., has not been open for location of claims under the United States Mining Laws at any time since the Santa Fe Pacific Railroad reconveyed such land to the United States on February 3, 1933.

The contention of Contestee Bibb that the Bureau of Land Management and the General Land Office had treated the subject lands as public domain is without merit. The lands were managed as withdrawn Federal lands, being different from the vacant unwithdrawn public domain, within a Grazing District established pursuant to the Taylor Grazing Act of June 28, 1934 (48 Stat. 1269). Section 13, T. 13 N., R. 11 W., N.M.P.M., is Federal land acquired by reconveyance under the Act of March 3, 1921, and as such is and has been since February 3, 1933, wholly under the jurisdiction of the Secretary of the Interior, to withdraw for one or more purposes consonant with his authority.

Accordingly, the Haystack Mining Claims 1 through 12, Haystack Mining Claims 1 through 20, Snow Flake Mining Claims 1 and 2, Hillside Mining Claims Nos. 1, 2, and 3, North Star Mining Claims Nos. 1 through 12, and Cornpatch Mining Claims Nos. 1 through 6, are hereby declared null and void ab initio for the reason that the land involved and embraced in each mining claim was not, on date of purported location, open to mining entry.

Right of appeal to the Director, Bureau of Land Management, from this decision is allowed for a period of 30 days from receipt hereof. If appeal is taken, it must be filed in duplicate in this office, and be accompanied by a \$5.00 filing fee. Strict compliance with 43 C.F.R. 221.1 through 5, and all other pertinent sections of the Rules of Practice will be required. See the attached instruction sheet.

This action does not in any way attempt to rule on the mineral character of the lands involved. It is based solely on the existing withdrawal of the land, and the law and regulations which permitted the reconveyance of the land to the United States.

  
Douglas E. Henriques  
Manager

Office Memorandum • UNITED STATES GOVERNMENT MacPherson

TO : Frank H. MacPherson, Manager  
Colorado Raw Materials Office

FROM : P. B. Martin, Attorney, Colorado  
Raw Materials Office

SUBJECT: TRESPASS CASES

SYMBOL: CC:JXC

DATE: March 20, 1952

From time to time instances arise where an individual, in good faith locates a mining claim on and extracts ore from Commission-CC: *See* owned land, or on public lands withdrawn from appropriation and reserved for the use of the Commission, or on patented lands in which the minerals have been reserved for the use of the Commission. Such action is a trespass which makes the trespasser liable for damages to the Commission. The measure of damages to be applied in such cases, in accordance with the decision of the Supreme Court of the United States in the case of *Nason et al. v. United States* (260 U.S. 545, 67 L.ed. 396), will be the measure of damages prescribed by the laws of the state in which the trespass is committed (43 CFR Part 288). It is a general rule, however, that one who "willfully" or "in bad faith" trespasses on the land of another, and removes minerals, is liable to the owner for their full value computed as of the time the trespasser converted them to his own use, by sale or otherwise, but that an "innocent" trespasser, who has acted "in good faith", may deduct from such value the expenses of extraction. *United States v. State of Wyoming et al.* (331 U.S. 440, 91 L.ed. 1590). Such is the rule in Colorado. The measure of damages under Utah law is as above for "innocent" trespass (reasonable expense allowed), but the "willful" trespasser is "liable to the owners of such ore for three times the value thereof without any deductions, either for labor bestowed or expenses incurred in removing, transporting, selling or preparing said ore, or its mineral content for market." Title 55, Chap. 1, Sec. 12, Utah Code Annotated 1943. The regulations of the Bureau of Land Management provide that for ore trespass in a state where there is no state law governing such trespass the measure of damages for "innocent" trespass is the value of the ore in place before severance, and for "willful" trespass, the full value of the ore at the time of conversion without deduction for labor bestowed or expense incurred in removing and marketing the ore. 43 CFR 288.4, 288.6. A number of cases involving coal trespass in Pennsylvania and Kentucky have held that in "innocent" trespass, the measure of damages would be a reasonable royalty, particularly in cases involving a lesser whose lessee extracted the ore. *Morrison's Mining Rights*, 16th ed., pages 456-7.

O + m - 5

m. r. c. h. L. m. r. c. h.



March 20, 1952

As a general rule, the Commission's mining leases provide for a 15 per cent royalty which, inter alia, is based upon the estimated reserves in the lease block. However, the cost per ton for initial production is greater than the average cost per ton of the whole operation. Thus, by using 15 per cent of the amount received from the sale of the ore, a reasonable approximation of the value of the ore less extraction costs (the measure of damage in "innocent" trespass), will be achieved. This procedure is recommended as following the general rule as set forth above.

Following this procedure, I have attached for your signature two letters to parties who have "innocently" located claims on withdrawn land and extracted ore therefrom.

Attachments:

1. Ltr to Fred Peterson dtd 3/20/52
2. Ltr to Van Gran Mining Co. dtd 3/20/52

CC: Mining Committee, OFMCO  
S. P. Sullivan

|  |  |   |  |                        |  |                   |  |
|--|--|---|--|------------------------|--|-------------------|--|
| FROM:  |  | DATE OF DOCUMENT:                           |  | DATE RECEIVED          |  | NO.:              |  |
| Bureau of Land Management<br>Santa Fe, NM                                  |  | 5/28/59                                     |  | 6/1                    |  | 1905              |  |
|  |  | LTR.  |  | MEMO:                  |  | REPORT:           |  |
|  |  | X   |  |                        |  |                   |  |
| TO:  |  | ORIG.:                                      |  | CC:                    |  | OTHER:            |  |
| GJ Jones   |  | X   |  |                        |  |                   |  |
|  |  | REPLY NECESSARY <input type="checkbox"/>    |  | DATE ANSWERED:         |  | BY:               |  |
|  |  | NO REPLY NECESSARY <input type="checkbox"/> |  |                        |  |                   |  |
| CLASSIFICATION:  |  | POST OFFICE                                 |  | FILE CODE:             |  |                   |  |
| um   |  | REG. NO.:                                   |  | D-238 - D. U. P. C. C. |  |                   |  |
| DESCRIPTION: (Must Be Unclassified)  |  | REFERRED TO                                 |  | DATE                   |  | RECEIVED BY       |  |
| Trans report re investigation<br>of Haystack No 2 mining claim<br>trespass |  | Manager                                     |  | 6/1                    |  | E. G. [Signature] |  |
| ENCLOSURES:  |  | Counsel                                     |  |                        |  | J. H. [Signature] |  |
| report as above  |  | P & D                                       |  |                        |  | 6/3               |  |
|  |  | T. G. [Signature]                           |  |                        |  |                   |  |
| REMARKS:   |  | [Signature]                                 |  | 6/3                    |  |                   |  |
|  |  |   |  |                        |  |                   |  |



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

State Office  
P. O. Box 1251  
Santa Fe, New Mexico

IN REPLY REFER TO:  
I&M:NM-Misc. 56

May 28, 1959

Allan E. Jones, Manager  
Grand Junction Operations Office  
Atomic Energy Commission  
Grand Junction, Colorado

Dear Mr. Jones:

In my letter of March 2, re: trespass mining, Section 13, T. 13 N., R. 11 W., N.M.P.M., Arthur Bibb (NM-Misc. 560), I stated that we would furnish you with a copy of our report, which was to be prepared in connection with our investigation of the Haystack No. 2 mining claim trespass. The investigation has been completed, and I am enclosing a copy of the report for your information.

If we may be of any further assistance to you in this matter, please let us know.

Sincerely yours,

E. R. Smith  
State Supervisor

By *Eugene L. Brown*  
Acting

Enclosure

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT

Area 3

New Mexico State Office

MINERAL REPORT

Haystack No. 2 Mining Claim  
Arthur Bibb

(Title)

LANDS INVOLVED

T. 13 N., R. 11 W., N.M.P.M., McKinley County,  
New Mexico

Sec. 13 - S.E.  $\frac{1}{4}$

Approximately 20.6 acres

MAY 27 1959

(Date)

By

Approved

Ernest L. Brown



In response to a letter from Allan E. Jones, Manager, Atomic Energy Commission, Grand Junction, Colorado, dated February 19, 1959 to the New Mexico State Supervisor, Bureau of Land Management, Santa Fe, New Mexico, and the reply of the New Mexico State Supervisor dated March 2, 1959 to the Atomic Energy Commission regarding matter under above designation, the following is a report on the report referred to therein.

The subject lands are situated in a mesa which adjoins the south slope of Haystack Mountain in the Bluewater-Grants-Ambrosia Lake uranium district, about five miles east of Prewitt, New Mexico. They are accessible by improved roads which take off from U.S. highway no. 66 near this town.

The first reported discovery of uranium-bearing material was made on this mesa at Haystack Mountain by a Navajo Indian named Paddy Martinez in the spring of 1950. This discovery was made on land owned by the A.T. & S.F. Railroad, which company commenced a concerted exploratory program of the area the summer of that year. Exploration soon showed that uranium deposits occurred in a number of places on the mesa, one of which included the subject lands.

R. H. Lovald shows in his report, N.M. 010206, Atomic Energy Commission, Mineral Withdrawal, that mining locations were filed on the adjoining lands which were thought to be in the S $\frac{1}{2}$  NW $\frac{1}{4}$  Section 11 of this same township and range as early as April 4, 1945, which preceded Paddy Martinez's discovery of uranium. The Haystack group of mining claims was originally located on November 26, 1950, several months after Martinez's discovery of uranium, and was situated in the S $\frac{1}{2}$ N $\frac{1}{2}$  and SE $\frac{1}{4}$  of Section 13 (Haystack #2 claim, situated in the SE $\frac{1}{4}$  comprising the subject lands), see figures 2 and 3. This group of mining claims, Haystack #1-#20, was subject to a number of conveyances and conflicts until July 21, 1954, when they were acquired by assignment by Arthur Bibo. (Note for further abstract information and data regarding these claims, see Mr. Lovald's report, identified above).

This investigation and report did not go into the history of Mr. Bibo's trespass, since such matters were handled by the AEC.

Status: T. 13 N., R. 11 W., N.M.P.M.

Section 13:

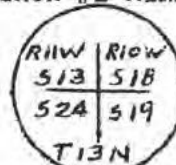
- (a) All - 640 acres - Selected List 6, June 23, 1890, A & P R.R. Co., Act of June 27, 1866. Approved List 4, March 3, 1893, Pat. March 13, 1893.

- (b) S $\frac{1}{2}$ N $\frac{1}{2}$  and SE $\frac{1}{4}$  - Reconveyed to U. S. by Santa Fe and Pacific Railroad by deed. Acknowledged 4-29-3, under Act of 3-3-21. Recorded 2-3-34, accepted. See "K" 12-19-33, under 065068.
- (c) S $\frac{1}{2}$ N $\frac{1}{2}$  and SE $\frac{1}{4}$  - W/d Appl. #010206 - withdrawn by P.L.O. No. 964 dated 5-13-54 for use by AEC.
- (d) N $\frac{1}{2}$ N $\frac{1}{2}$  - I.A. #077411, Walter Vandever, approved for patent "K" December 14, 1944, Pat. 2-9-45, Trust Pat. #1119452.

On March 10, 1956 the undersigned contacted Mr. Gay, Mining Engineer, Atomic Energy Commission, Milan, New Mexico in order to conduct investigation of the subject mining claim. Mr. Gay, with his knowledge of and familiarity with the area and case, volunteered to accompany the examiner on the field investigation, which offer was accepted.

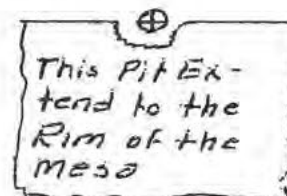
REPORT OF PRELIMINARY EXAMINATION OF HAYSTACK #2 MINING CLAIM

The corner common, a brass cap



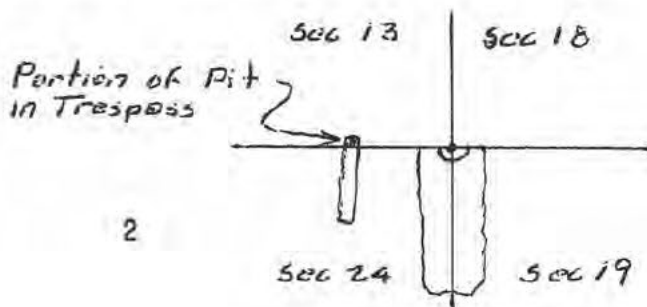
was

located, after a short search. It was attached to a two-inch pipe and from all appearances had never or not been disturbed from its original setting. It was solidly imbedded in the ground, with a rock pile 2' x 2' x 18" high along the west side. Mining operations had excavated a pit to within 10' along the south side --



but had not disturbed the corner.

There were no mining operations conducted on Section 13 through this pit. From this section corner it was .15 to .20 of a mile (by speedometer) to the pit on Haystack #2 claim which is located in Section 13. This pit straddled the line between Sec. 13 and 24, T. 13 N., R. 11 W., N.M.P.M., figures 2 and 3.



That portion of the pit in Sec. 13 and which is involved in trespass was about 40 feet in diameter and about 15 feet deep. However, the pay stretch was only about 2' - 4' thick. (Mr. Gay thought that about 150 - 200 tons of ore had been extracted from this portion of the pit in trespass). The ore contains chiefly the yellow mineral tyuyamunite, which occurs mainly in the Todilto formation but in places soaked into the overlying Summerville and underlying Entrada formations. The grade of the ore is of commercial quality and a significant quantity still remains on Sec. 13. There is no mining or associated activity being conducted on this mining claim at present, nor is it otherwise occupied.

No evidence of BLM - S&M or range improvement projects was observed on the SE $\frac{1}{4}$  of Sec. 13. However, a report from the Farmington District Office (this land is administered by Albuquerque District Office for the Farmington District) stated that they did not have this 160 acres (SE $\frac{1}{4}$ ) allotted for grazing (status shows this land to be public domain). This report also showed no range improvement or cooperative projects of record.

This investigation showed conclusively that trespass had been committed on Haystack No. 2 Mining Claim situated in the SE $\frac{1}{4}$  Sec. 13, T. 13 N., R. 11 W., N.M.P.M., and such knowledge and details are known by the Atomic Energy Commission, and reportedly by the offender, Arthur Bibb, also.

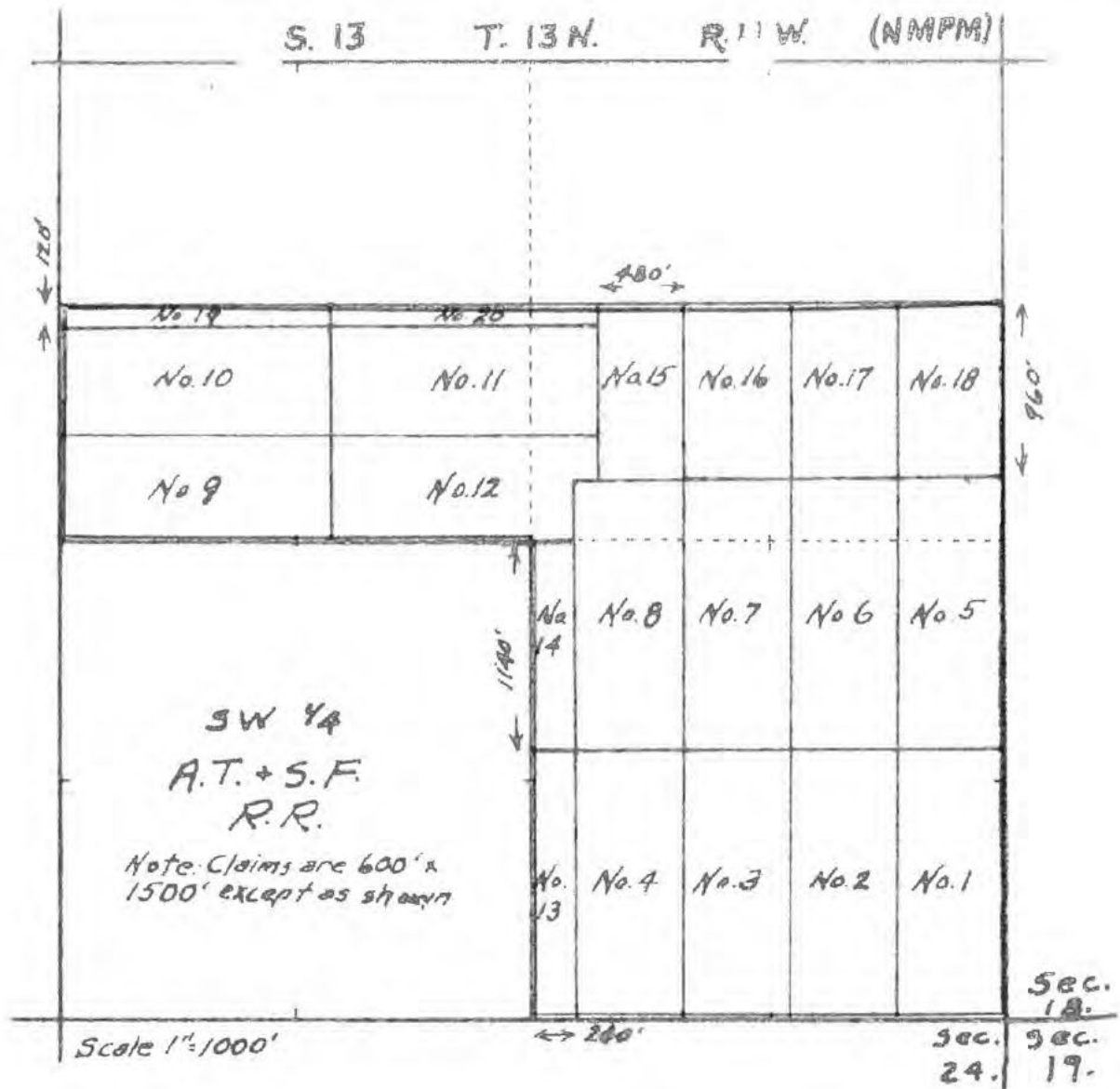
The undersigned has no information nor was anything learned by the field investigator that would be contrary to the substance of the letter dated February 9, 1959 from Director Edward Woolley, to Mr. Elton A. Youngberg, Acting Manager, Grand Junction Operations Office, United States Atomic Energy Commission, Grand Junction, Colorado.

It is recommended that the Atomic Energy Commission act in accordance with Mr. Woolley's letter and undertake the matter of recovery of trespass damages; also that the Bureau of Land Management make available any assistance which may be desired by the Atomic Energy Commission.

*Charles R. Garrett, Jr.*  
Charles R. Garrett, Jr.  
Valuation Engineer, Mining





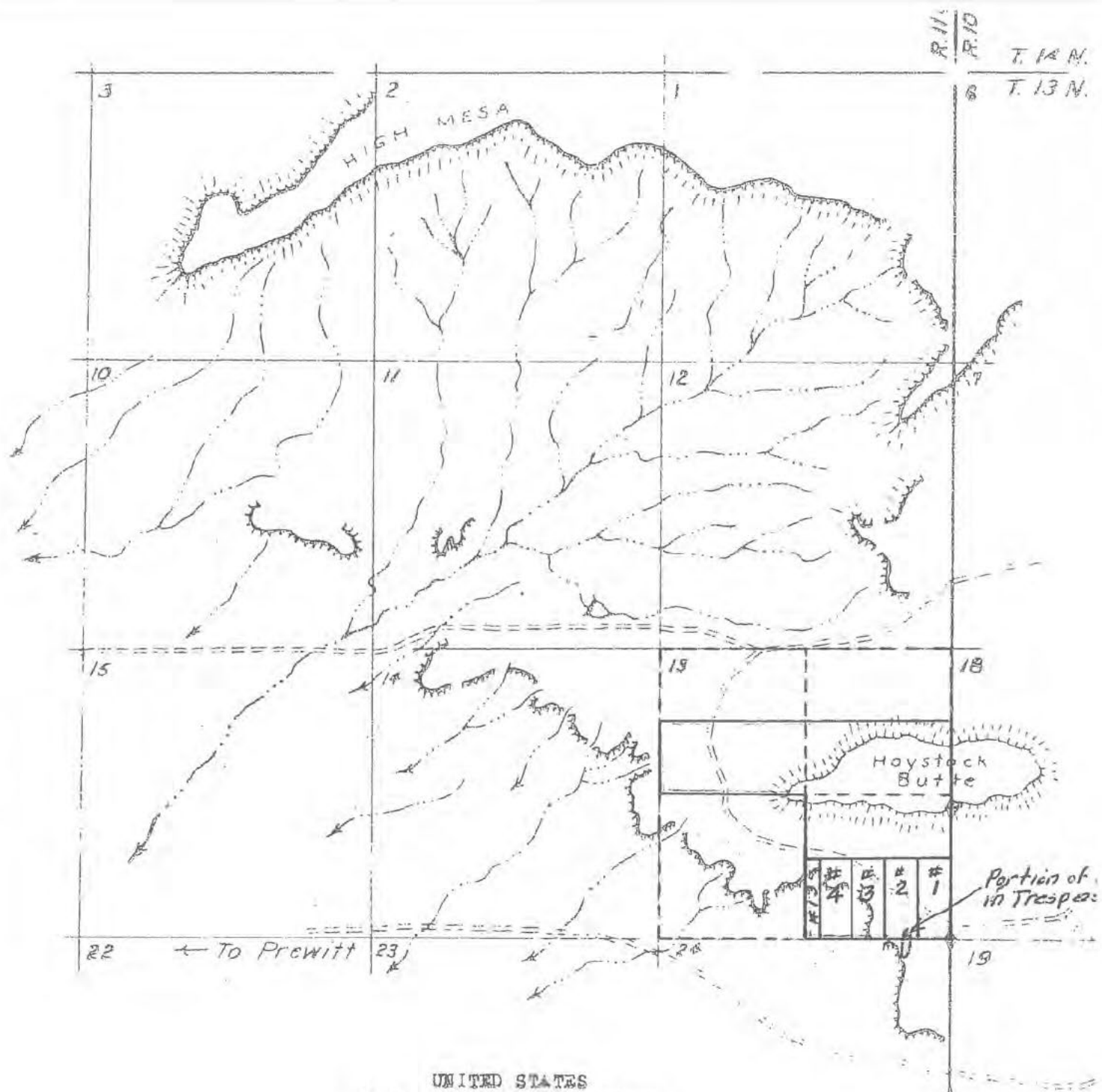


# HAYSTACK MINING CLAIMS Nos. 1 to 20

UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
AREA 3 - NEW MEXICO

Copied & Traced 4-8-59 From Print of Original  
11-16-55 CRG

FIGURE 2.



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
BUREAU OF LAND MANAGEMENT  
AREA 3 - New Mexico

A.E.C. WITHDRAWALS  
T. 13 N., R. 11 W.

HAYSTACK No.s. 1 - 20 Mining Claims

11-16-55

FIGURE 3.

November 17, 1958  
BLM Decision

OAGC:JX

December 6, 1956

Mr. Arthur Bibb

(b) (6)

Dear Mr. Bibb:

This letter is written in response to your letter of November 26, 1956, making application for a contract to haul Todilto limestone ore from the Haystack No. 2 claim to the ABC receiving station at Grants, New Mexico, and submitting an application under our Circular 6 for certification of the Haystack group of claims.

By decision dated November 21, 1956, in Contest NM #30, et al, the Manager of the Land Office, Bureau of Land Management, Santa Fe, declared the Haystack mining claims 1 through 20 and Haystack mining claims 1 through 12 null and void ab initio for the reason that the land involved and embraced in each mining claim was not, on the date of purported location, open to mining entry. We note that this decision is subject to the right of appeal to the Director of the Bureau of Land Management within a period of thirty days from its receipt by the contestees.

In view of this decision, it must be concluded that you lack mining rights as to this land which is reserved for the use of the Atomic Energy Commission under P.L.O. 964, and consequently your application for a contract is denied. As one of the criteria for certification is "lawful possession of mining rights" your application under Circular 6 is also denied. Both of these actions are without prejudice to your right to reapply should a final determination by the Secretary of the Interior or the Federal courts be in favor of the validity of the Haystack claims. Moreover, settlement for ores previously shipped by you must also await such final determination.

Very truly yours,

David D. Baker, Director  
Mining Division

cc: Ore Procurement Branch, MD  
Leasing & Development Branch, MD  
I. M. Gay, MD  
Douglas Henriques, Manager  
New Mexico Office, P. O. 1251  
Santa Fe, New Mexico



AGC:JXC

May 6, 1957

Mr. Arthur Bibb

(b) (6)

Dear Mr. Bibb:

During your discussions here in Grand Junction, Thursday, May 2, 1957 with Assistant General Counsel Paul B. Martin and Attorney John E. Combs of this Operations Office, you requested that you be advised as to the weights and assays of the ore shipped by you from the Haystack No. 2 claim on November 26, 1956, to the Commission's contractor, Lucius Pitkin, Inc. at the Grants buying station. We previously have advised you by letter dated December 6, 1956, that settlement for such ores must await final determination by the Secretary of the Interior or the Federal courts as to the validity of the Haystack group of claims which were held null and void by the Manager of the BLM Land Office in Santa Fe November 21, 1956, in contest NM #30 et al. In accordance with your request, the following information is submitted:

Liquidation No. 2425, Lot No. 199, 83,170 pounds wet weight (41.5850 short tons) and 80,412 pounds dry weight (40.2060 short tons), with assays of 0.16%  $U_3O_8$  (128.66 pounds), 0.12%  $V_2O_5$  (96 pounds) and 41%  $CaCO_3$ . Under buying schedules in effect at that time the amount being withheld pending final determination, as set forth above, is \$456.62.

The amount being withheld from ore shipped by you from the same claim on November 18, 1955, and listed on Lucius Pitkin Liquidation No. 1072, Lot No. 11, weights and assays of which were provided you by our letter of August 8, 1956, is in the amount of \$299.63.

Very truly yours,

David D. Baker, Director  
Mining Division

cc: Ore Procurement Branch, MD  
Leasing & Development Branch, MD, ✓

I. M. Gay, MD  
Lucius Pitkin, Inc.

0372C

## U. S. ATOMIC ENERGY COMMISSION

## APPLICATION FOR CERTIFICATION OF MINING PROPERTY

In accordance with Atomic Energy Commission Domestic Uranium Program Circular 6  
(Assistance in filling out this form will be available at the U. S. Atomic  
Energy Commission's office in Grand Junction, Colo.)

1493

Name of applicant ARTHUR BIBO AEC License No. P-285IAddress (b) (6) (b) (6) (b) (6)

I hereby request that the following described mining property be certified as eligible for bonus payments under Domestic Uranium Circular 6.

1. Name of mining property (Haystack Claims I to 20 inclusive)2. Name of owner Arthur Bibo

(Indicate whether Corporation, Partnership, Individual)

3. Interest of applicant Owner

(Owner or Lessee—if other, specify)

4. Description of mining property: (If more space is required use blank space below.)

a. Mining district Mt. Taylor Mining District or Haystack Mining Dist.b. Size of property 320 acresc. Number and names of claims included in this property Twenty Haystack Claims  
in SE¼ and S½N½ Sec. 13; Twp. 13 N; Rge. II W: N.M.P.M. McKinley Co.,d. Property is of public record as follows: New Mexico.

| DATE OF RECORD | COUNTY   | STATE      | BOOK NO.   | PAGE NO.     |
|----------------|----------|------------|------------|--------------|
| Nov. 27, 1950  | McKinley | New Mexico | Bk M-10    | 256-263      |
| Apr. 3, 1951   | "        | "          | Bk MCR-3   | 137          |
| Apr. 20, 1951  | "        | "          | Bk QCD-6   | 378          |
| Apr. 20, 1951  | "        | "          | Bk QCD-6   | 377          |
| Dec. 5, 1951   | "        | "          | Bk QCD-6   | 377-78 filed |
|                |          | in         | Bk Lease 7 | 74           |
| Dec. 5, 1951   | "        | "          | Bk " 7     | 78           |
| May. 11, 1951  | "        | "          | Bk MCR-3   | 251          |
| Mar. 6, 1952   | "        | "          | Bk M-II    | 251          |
| May. 1, 1952   | "        | "          | Bk MCR-4   | 24-34        |
| June 13, 1952  | "        | "          | Bk M-10    | 437          |
| Aug. 3, 1954   | "        | "          | Bk 9 Lease | 231          |
| Aug. 3, 1954   | "        | "          | Bk 9 Lease | 232          |
| Nov. 9, 1956   | "        | "          | Bk QCD-7   | 571          |
| Nov. 9, 1956   | "        | "          | Bk QCD-7   | 572          |

e. Title to property is patented or unpatented? (State which.) Unpatented

f. Description of location of property for verification by mining branch of Colorado Raw Materials Office, Atomic Energy Commission.

SE¼; S½N½ Sec. 13 Twp. 13 North; Rge II West. N.M.P.M.  
McKinley County, New Mexico.



5. Ore accepted by commission ore-buying stations or qualified uranium mills (or any other uranium ore processing plants) from property between April 9, 1948 and February 28, 1951 inclusive:

| ACCEPTED BY  | AT | NAME OF PROPERTY<br>IF OTHER THAN<br>PRESENT NAME | NAME OF OPERATOR<br>IF OTHER THAN<br>PRESENT OPERATOR | APPROXIMATE PERIOD |               | ORE-DRY<br>TONS | POUNDS<br>U <sub>3</sub> O <sub>8</sub><br>CONT. |
|--|----|---|---|--------------------|---------------|-----------------|--|
|  |    |   |   | FROM<br>MO. YR.    | TO<br>MO. YR. |                 |  |
| Anaconda Mining                                      |    | Co. <del>XXXXXX</del> Bluewater, N.M.             |   | Nov. II, 1955      |               | II+             | )0.31%   |
|  |    |   |   |                    |               | (22,370#)       |  |
| Lucius Pitkin Inc.                                   |    | AEC Receiving Station                             |   | Nov. I9, 1956      |               | I8+             |  |
|  |    | Grants, New Mexico                                |   | Nov. 26, 1956      |               | (37,790#)       |  |
|  |    |   |   |                    |               | 22.69           |  |
|  |    |   |   |                    |               | (45,380#)       |  |
|  |    |   |   |                    |               |                 |  |
|  |    |   |   |                    |               |                 |  |
|  |    |   |   |                    |               |                 |  |
|  |    |   |   |                    |               |                 |  |
|  |    | No ore between April 9, 1948 & Feb. 28, 1951      |   |                    |               |                 |  |
| Total number of pounds U <sub>3</sub> O <sub>8</sub> |    |   |   |                    |               |                 |  |

Total number of pounds  $U_3O_8$ 

Nov. 20, 1956  
(Date)

Arthur Bibb  
(Signature of applicant)

Misrepresentations or false statements in the application may subject the applicant to criminal penalties, under provisions of the United States Code including section 1001 of title 18. Any such offense may also disqualify the offender from receiving bonus payments.

(When completed mail to U. S. Atomic Energy Commission, Colorado Raw Materials Office, P. O. Box 270, Grand Junction, Colo.)

16-87545-2 U. S. GOVERNMENT PRINTING OFFICE

SPACE BELOW FOR USE BY APPLICANT, IF NECESSARY

There has been correspondence with your office at various times since July 1954 either from me direct or from my counsel, Mr. Oliver Seth in Santa Fe and I am sure the Bureau of Land Management and your office have a more complete record of the claims here referred to, than this application necessitates. For your added information I have shown here the last two ~~recordings~~ of conveyances to me, recorded at the McKinley Co., court house. I had previously advised the Bureau of Land Management of these deeds tho they had not been recorded.

Arthur Bibr

UNITED STATES  
ATOMIC ENERGY COMMISSION  
GRAND JUNCTION OPERATIONS OFFICE  
GRAND JUNCTION, COLORADO

IN REPLY REFER TO:

MD:MVH

November 29, 1956

Mr. Arthur Bibo

(b) (6)

Re: RETURN OF YOUR APPLICATION FOR CERTIFICATION FOR LACK OF  
SUFFICIENT INFORMATION

Dear Mr. Bibo:

Your application is herewith returned to you for completion of the abstract of the public record as requested in Item 8 of the Supplemental Information sheet (2 enclosed). This abstract should be complete, including all recorded instruments as well as any not recorded which effect your possession of the property. The purpose of the abstract is to absolutely establish your right to mine the property. Any documents which you elect to send to us will be returned upon request.

Because of the large amount of correspondence that we receive here in different departments, it is necessary to keep files concerning certification separate, and transferring or removing material from one file to put in another usually results in confusion and sometimes loss of important documents. It is for this reason that we must often request additional information even though it might be here already in another department. We regret this delay, but under the circumstances it cannot be helped.

Very truly yours,

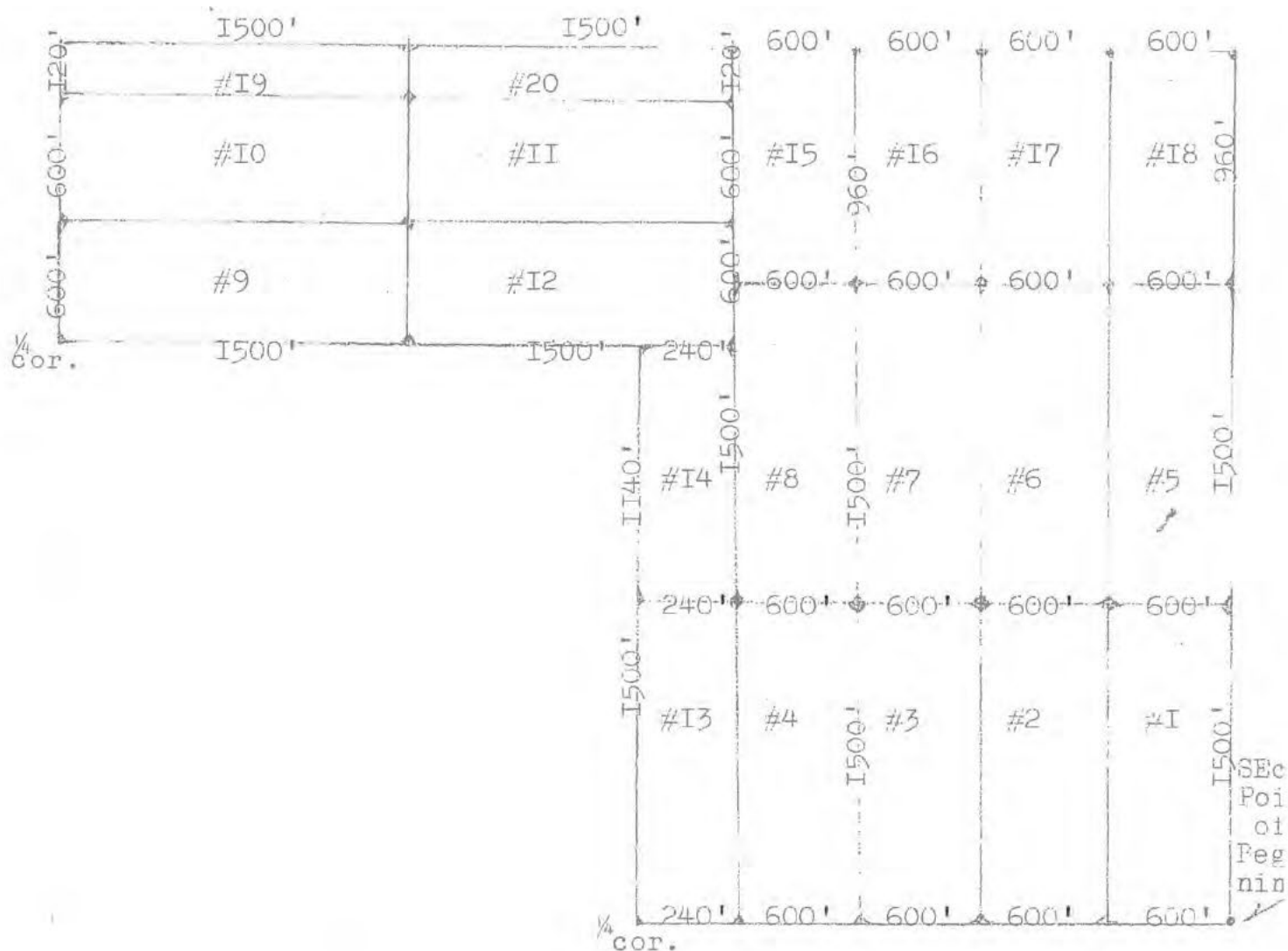
R. H. Toole, Chief  
Leasing & Development Branch  
Mining Division

Enclosures:  
As stated



NORTH

Drawing of HAYSTACK CLAIMS 1-20 Incl.  
 Sec. 13 Twp. 13 North Rge. 11 West N4PM.  
 McKinley County, New Mexico  
 Filed May 11, 1951 & Refiled May 1, 1952



MD:ASJT

November 30, 1956

Mr. Arthur Bibb

(b) (6)

Re: APPLICATION FOR CERTIFICATION OF HAYSTACK CLAIMS (NO. 149

Dear Mr. Bibb:

Haystack Claims, Grants Mining District,  
McKinley County, New Mexico.

Records in the National Archives & Records  
Administration, Rocky Mountain Region  
Archival Operations

RG No. 434 Records of the

Department of Energy  
Certification Bonus Case Files, 1950-60

NRG-434-99-207

(434-95-0081)

File: D-238